

STATE OF SOUTH CAROLINA

(Caption of Case)

Mary Hester Williams,
Complainant/Petitioner

v.

Duke Energy Carolinas, LLC,
Respondent

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2009 - 341 - E

(Please type or print)

Submitted by: Catherine E. Heigel

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DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☒ Request for item to be placed on Commission's Agenda expeditiously

☒ Other: Testimony/Confidential Exhibit of Barbara Yarbrough, Motion for Confidential Treatment

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input checked="" type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

DOCKET NO. 2009-341-E

Respondent

**DIRECT TESTIMONY OF
BARBARA G. YARBROUGH
FOR DUKE ENERGY CAROLINAS**

1 **Q. PLEASE STATE YOUR NAME, ADDRESS, AND POSITION WITH DUKE**
2 **ENERGY CAROLINAS.**

3 A. My name is Barbara G. Yarbrough. My business address is 526 South Church
4 Street, Charlotte, North Carolina. I am Rates Director for Duke Energy Carolinas,
5 LLC (referred to hereinafter as “Duke Energy Carolinas” or the “Company”). I have
6 responsibility for assisting in the development, implementation, and proper
7 administration of the Company’s rate schedules and service regulations, as well as
8 administering the Public Service Commission of South Carolina’s (the
9 “Commission”) Rules and Regulations. I also am responsible for responding to
10 customer inquiries including those directed to the South Carolina Office of
11 Regulatory Staff (“ORS”).

12 **Q. PLEASE STATE BRIEFLY YOUR EDUCATION AND PROFESSIONAL**
13 **EXPERIENCE.**

14 A. I am a graduate of the University of North Carolina at Greensboro. I joined Duke
15 Power Company (now known as Duke Energy Carolinas) in 1974, and since 1979 I
16 have held several positions in the Company’s Rates and Regulatory Affairs
17 Department. I have testified before the North Carolina Utilities Commission (the
18 “NCUC”) and this Commission in complaint and other proceedings.

19 **Q. ARE YOU FAMILIAR WITH THE COMPLAINT OF MARY HESTER**
20 **WILLIAMS?**

21 A. Yes, I am familiar with Ms. Williams’ Complaint in this docket as well as the
22 similar Complaints that she has filed in Docket No. 2008-90-E and Docket No.
23 2009-155-E, both of which the Commission dismissed. Additionally, I have spoken

1 with Ms. Williams on many occasions concerning her electric service account and
2 have been involved in the investigation of concerns she initially directed to the
3 Commission Staff, dating back to 2000.

4 **Q. WHAT IS THE BASIS OF MS. WILLIAMS' COMPLAINT?**

5 A. Although it is somewhat difficult to follow the information provided in Ms.
6 Williams' Complaint, as well as her previous correspondence with Duke Energy
7 Carolinas, the Company understands from the ORS that Ms. Williams has contended
8 for several years that she had been over-charged and that she is entitled to a refund
9 of the amounts she claims to have overpaid Duke Energy Carolinas.

10 **Q. IS THERE ANY EVIDENCE THAT MS. WILLIAMS HAS BEEN OVER**
11 **CHARGED?**

12 A. No. Ms. Williams was billed for the usage at her residence at rates approved by this
13 Commission. The Company's records indicate that she did not pay for all of the
14 electricity she consumed. As a result, Ms. Williams' service was terminated most
15 recently for nonpayment of bill in May 2006.

16 **Q. PLEASE PROVIDE A BRIEF HISTORY OF MS. WILLIAMS' ACCOUNTS**
17 **WITH DUKE ENERGY CAROLINAS.**

18 A. As background, the Company's records show that Ms. Williams' service was
19 disconnected in February 2000 with an outstanding bill of \$1,298.83. Records
20 indicate Ms. Williams expressed concern about the meter and disputed the
21 conversion of watts to kilowatts. As a result of her inquiry to the Commission Staff,
22 a Duke Energy Marketing Specialist met with Ms. Williams at the Company's local
23 office to explain the metering and conversion process, but Ms. Williams refused to

1 accept the Company's explanation. She did admit, however, that she had used six
2 electric space heaters during the winter, which easily explained the higher level of
3 usage during the winter compared to previous years. The Company offer to
4 reconnect Ms. Williams' service upon receipt of a down payment and agreement on
5 a payment plan. No agreement was reached and this information was conveyed to
6 the Commission Staff in August 2001 after Ms. Williams made an informal
7 complaint.

8 **Q. DID MS. WILLIAMS EVER HAVE SERVICE RESTORED?**

9 A. Yes. Ms. Williams had service for a period in 2005-2006. Following payment of
10 the outstanding bill and deposit, service was restored in February 2005. Once
11 service was restored, Ms. Williams made no payments on the account. The service
12 was disconnected for nonpayment in April 2005 and the final bill, after applying
13 deposit and interest was \$525.28. In May 2005, Ms. Williams contacted the ORS
14 for assistance in getting power restored. The service was restored on May 12, 2005
15 after payment of \$267.51, and a partial payment of the deposit. Again, sufficient
16 payments were not made and service was disconnected in July 2005. In December
17 2005, arrangements were made to restore service for Ms. Williams, but service was
18 against disconnected for nonpayment in March 2006. It was reconnected briefly, but
19 disconnected again in May 2006. The usage records indicate Ms. Williams likely
20 was continuing to use electric space heaters during the winter months. Although
21 Ms. Williams has made several requests for service since 2006, service has not been
22 restored because Ms. Williams has refused to pay the outstanding bill of \$577.97.
23 The Company did receive a \$25.00 payment in July of 2008, which reduces the

1 balance to \$552.97. A billing and payment history for 2005-2006 is attached as
2 Confidential Yarbrough Exhibit 1.

3 **Q. CAN YOU EXPLAIN WHY MS. WILLIAMS BELIEVES SHE HAS BEEN**
4 **OVERCHARGED?**

5 A. I will attempt to provide what I understand from Ms. Williams' correspondence and
6 the discussions I have had with her. Ms. Williams refuses to accept that the
7 Commission-approved residential rate schedule is the correct rate applicable to her
8 usage, and further disputes that the Public Service Commission of South Carolina,
9 not the Federal Energy Regulatory Commission or other entity, has jurisdiction over
10 the rates and service practices of Duke Energy Carolinas in the state of South
11 Carolina. She attempts to use any other price related to electricity that she sees in
12 any publication and tries to correlate it to what she believes her bill should be. For
13 example, she has repeatedly cited the \$4.00 per 1000 kWh block contribution under
14 the NC GreenPower Program from an article in the Charlotte Observer as the
15 appropriate rate for 1000 kilowatt hours of power she used. Attached to her
16 Complaint is another example of an inappropriate calculation. She extracted the
17 amount for a 1000 kilowatt hour per month bill from a newspaper notice related to
18 North Carolina rates and subtracted this amount from what she was billed in an
19 attempt to illustrate an overcharge on an amount that she claims to have paid but did
20 not pay. Duke Energy Carolinas does not understand the other calculations on this
21 page. First, North Carolina rates are not applicable in South Carolina. Second, her
22 actual usage far exceeded the 1000 kilowatt hours on which the North Carolina
23 typical bill example was based. We believe that one other key factor in Ms.

1 Williams' belief that she has been overcharged is that she does not understand the
2 impact on her electric bill of using electric space heaters and the significant increase
3 in usage that these appliances cause.

4 **Q. HAS MS. WILLIAMS ALLEGED THAT DUKE ENERGY CAROLINAS**
5 **HAS VIOLATED THE LAW?**

6 A. Yes, but nothing she has cited is relevant to her request for retail electric service in
7 South Carolina. With the exception of South Carolina Code of Laws Section 3-3-10,
8 which has nothing to do with electric service, all of the references in her complaint
9 are from federal law, the Federal Energy Regulatory Commission, or North Carolina
10 law.

11 **Q. WHAT WOULD BE REQUIRED FOR MS. WILLIAMS TO RE-**
12 **ESTABLISH HER ELECTRIC SERVICE ACCOUNT?**

13 A. Ms. Williams would need to pay the outstanding bill of \$552.75, plus a deposit of
14 \$500.00 or provide a satisfactory guarantor. This deposit request is less than the
15 highest two consecutive months of her previous usage at current rates.

16 **Q. WHAT ACTION DOES DUKE ENERGY CAROLINAS RECOMMEND**
17 **THE COMMISSION TAKE ON MS. WILLIAMS' COMPLAINT?**

18 A. Duke Energy Carolinas recommends that the Commission reject Ms. Williams'
19 complaint and rule in favor of the Company. Further, the Company requests that the
20 Commission encourage Ms. Williams to seek assistance from appropriate federal,
21 state and local agencies to help pay her power bill arrearages and the deposit
22 required to reconnect service to her residence.

1 **Q. DOES THIS CONCLUDE YOUR PRE-FILED DIRECT TESTIMONY?**

2 **A. Yes, it does.**

Confidential Yarbrough Exhibit 1

REDACTED

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

DOCKET NO. 2009-341-E

In re:

Mary Hester Williams,

Complainant/Petitioner

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Duke Energy Carolinas, LLC,

Respondent

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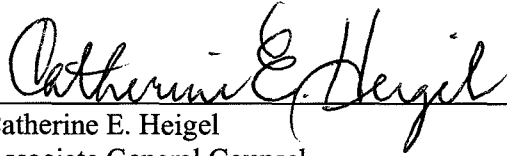
**MOTION FOR
CONFIDENTIAL TREATMENT**

NOW COMES Duke Energy Carolinas, LLC (hereinafter “Duke Energy Carolinas” or the “Company”), pursuant to 26 S.C. Code Ann. Regs. 103-804(Y)(2)(Cum. Supp. 2008) and Commission Order No. 2005-226, “ORDER REQUIRING DESIGNATION OF CONFIDENTIAL MATERIALS,” with its motion that certain of the information contained in the exhibits of Company Witness Barbara G. Yarbrough be treated and maintained as confidential.

The exhibit appended to Ms. Yarbrough’s testimony that is identified as “Yarbrough Confidential Exhibit 1” contains confidential customer information that is personal to Ms. Williams. The Company requests, therefore, that the Commission grant the Company’s request for confidential treatment pursuant to 26 S.C. Code Ann. Regs. 103-804(Y)(2)(Cum. Supp. 2008).

WHEREFORE, the Company requests that the Commission afford confidential treatment to Yarbrough Confidential Exhibit 1 and grant such other relief as the Commission deems just and proper.

This, the 31st day of August 2009.

A handwritten signature in cursive script, reading "Catherine E. Heigel", written over a horizontal line.

Catherine E. Heigel
Associate General Counsel
Duke Energy Carolinas, LLC
526 S. Church Street, EC03T
Charlotte, North Carolina 28202
Tel: 704-382-8123
Email: catherine.heigel@duke-energy.com

ATTORNEY FOR DUKE ENERGY CAROLINAS, LLC

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

DOCKET NO. 2009-341-E

In re:

Mary Hester Williams,

Complainant/Petitioner

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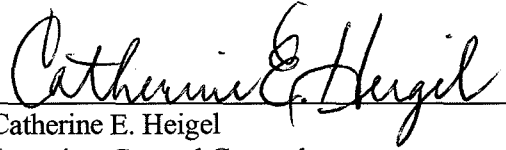
CERTIFICATE OF SERVICE

I hereby certify that a copy of Duke Energy Carolinas, LLC's (1) Direct Testimony and Confidential Exhibit of Barbara Yarbrough, and (2) Motion for Confidential Treatment have been served by electronic transmittal or by depositing a copy in the United States Mail, first class postage prepaid, properly addressed to:

Shannon Bowyer Hudson, Esq.
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201

Ms. Mary Hester Williams
305 California Street
York, SC 29745

This, the 31st day of August 2009.


Catherine E. Heigel
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